

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In The Matter Of: )  
Mark E Koester )  
Christie Ann Koester )  
Debtors, ) Case No. 10-46294-399  
Bank of America, N.A. as serviced by )  
BAC Home Loan Servicing, LP )  
 ) Chapter 13  
 ) Motion To Allow Late Filed  
Movant, ) Proof of Claim By  
 ) Bank of America, N.A. as serviced by  
 ) BAC Home Loan Servicing, LP  
vs. )  
Mark E Koester ) Vernon D. Singer, Esq.  
Christie Ann Koester ) Millsap & Singer, LLC  
and ) 612 Spirit Drive  
 ) St. Louis, MO 63005  
John V. LaBarge, Jr. ) (636) 537-0110  
 )  
Trustee, ) **Hearing Date: March 23, 2011**  
 ) **Hearing Time: 11:00 AM**  
Respondents ) **Objection Deadline: March 16, 2011**

**NOTICE OF HEARING AND**  
**MOTION TO ALLOW LATE FILED PROOF OF CLAIM**

**WARNING: ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE COURT  
BY MARCH 16, 2011 (SEE L.B.R. 9013-2). A COPY MUST BE PROMPTLY SERVED  
UPON THE UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY  
RESULT IN A DEFAULT ORDER BEING GRANTED PRIOR TO THE HEARING  
DATE.**

**THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE  
HONORABLE BARRY S. SCHERMER, IN THE UNITED STATES BANKRUPTCY**

**COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON U.S.  
COURTHOUSE, 111 SOUTH TENTH STREET, FLOOR 5, NORTH COURTROOM,  
ST. LOUIS, MO 63102.**

COMES NOW, Bank of America, N.A. as serviced by BAC Home Loan Servicing, LP and for its Motion to Allow Late Filed Proof of Claim states as follows:

1. Movant is a corporation organized and existing in accordance with law and is the holder of a Deed of Trust and Deed of Trust Note secured by certain realty located at 477 Chatham Dr, O'Fallon, MO 63366. A copy of said Deed of Trust is attached hereto and marked Exhibit 1.

2. The deadline to file proofs of claim by creditors in this proceeding was October 5, 2010. Movant failed to file a proof of claim prior to the last day to file proofs of claim.

3. The collateral for Movant's note and deed of trust is the principal residence of the Debtors. Movant will not be adequately protected if its proof of claim is not allowed. Movant's only recourse if no proof of claim is allowed in this case is to file a motion for relief from the automatic stay to pursue its foreclosure remedies.

4. The amount due on said note as of November 3, 2010 is approximately \$169,976.26. Additionally, Movant is owed \$5,314.30 in pre-petition arrearages.

5. The plan filed in this proceeding provides that the real estate will be retained by the Debtors and that the real estate is necessary for an effective reorganization. It is in the best interest of the Debtors and the creditors in this case that Movant's proof of claim be allowed.

WHEREFORE, Movant prays that its late filed proof of claim be allowed; that the Trustee pay said proof of claim pursuant to the terms of the Chapter 13 plan; and for such other relief as is appropriate and just.

Dated February 18, 2011

Millsap & Singer, LLC

*/s/ Cynthia M. Woolverton*  
Vernon D. Singer, #35335, #35335MO  
Cynthia M. Woolverton, #47698, #47698MO,  
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Attorneys for Bank of America, N.A. as  
serviced by BAC Home Loan Servicing, LP

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was either electronically mailed or  
forwarded first-class regular mail February 18, 2011 to the following parties:

*/s/ Cynthia M. Woolverton*

Mark E Koester  
Christie Ann Koester  
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